

Electronically Filed
Dec 11 2018 02:23 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOASC
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Attorneys for Respondents

DISTRICT COURT
CLARK COUNTY, NEVADA

LUIS SANCHEZ,

Petitioner,

vs.

HIGH DESERT STATE PRISON, *et al.*,

Respondents.

Case No. A-18-775677-W

Dept. No. VII

NOTICE OF APPEAL

Notice is hereby given that Respondents hereby appeal to the Nevada Supreme Court from the final order entered in this action on November 28, 2018, and served by mail on the same day.

DATED: December 5, 2018.

ADAM PAUL LAXALT
Attorney General

By: /s/ Ashley Balducci
Ashley A. Balducci (Bar No. 12687)
Deputy Attorney General

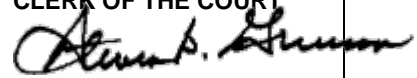
AFFIRMATION
(Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated: December 5, 2018.

ADAM PAUL LAXALT
Attorney General

By: /s/ Ashley Balducci
Ashley A. Balducci (Bar No. 12687)
Deputy Attorney General



ASTA
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Las Vegas, Nevada 89101-1068
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DISTRICT COURT
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LUIS SANCHEZ,

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HIGH DESERT STATE PRISON, *et al.*,

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Case No. A-18-775677-W

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CASE APPEAL STATEMENT

- 1. Name of appellant filing this case appeal statement:** High Desert State Prison
- 2. Judge issuing the decision, judgment, or order appealed from:** The Honorable Linda Marie Bell
- 3. Name and address of appellant's counsel:**

Heidi Parry Stern, Chief Deputy Attorney General
Ashley Alexandria Balducci, Deputy Attorney General
555 E. Washington Avenue, Suite #3900
Las Vegas, Nevada 89101
- 4. Name and address of respondent's counsel:** Respondent is pro se.
- 5. Attorneys not licensed to practice law in Nevada:** None.
- 6. Whether appellant was represented by appointed or retained counsel in the district court:** The appellant is an entity represented by the Attorney General's Office.

7. Whether the appellant is represented by appointed or retained counsel on appeal:

The appellant is an entity represented by the Attorney General's Office.

8. Whether appellant was granted leave to proceed in forma pauperis: No.

9. Date the proceeding commenced in the district court: Respondent filed a Petition for Writ of Habeas Corpus on May 23, 2018.

10. A brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and relief granted by the district court: Sanchez filed a *pro se* petition for writ of habeas corpus alleging that he was entitled to good time credit against his minimum sentence pursuant to NRS 209.4465. Appellant filed a response stating that, this Court's unpublished disposition in *Smith v. Baca*, 408 P.3d 548 (Nev. 2017) (unpublished disposition) prohibited the application of good time credit against Sanchez's minimum sentence. The district court issued a decision and order partially granting Sanchez's petition, finding that Sanchez is entitled to good time credit off his minimum sentence.

11. Whether this case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court, and if so, the caption and Supreme Court docket number of the prior proceeding: None.

12. Whether the appeal involves child custody or visitation: No.

13. In civil cases, whether this appeal involves the possibility of settlement: Not applicable.

Dated: December 5, 2018.

ADAM PAUL LAXALT
Attorney General

By: /s/ Ashley Balducci
Ashley A. Balducci (Bar No. 12687)
Deputy Attorney General

AFFIRMATION
(Pursuant to NRS 239B.030)

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Attorney General

By: /s/ Ashley Balducci
Ashley A. Balducci (Bar No. 12687)
Deputy Attorney General

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I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following unregistered participant at his last known address:

/s/ M. Landreth
An employee of the Office of the Attorney General

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-775677-W

Luis Sanchez, Plaintiff(s)
vs.
High Desert State Prison, Defendant(s)

§
§
§
§
§

Location: **Department 7**
 Judicial Officer: **Bell, Linda Marie**
 Filed on: **05/23/2018**
 Cross-Reference Case Number: **A775677**

CASE INFORMATION

Case Type: **Writ of Habeas Corpus**

Case Status: **05/23/2018 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-18-775677-W
 Court Department 7
 Date Assigned 05/23/2018
 Judicial Officer Bell, Linda Marie

PARTY INFORMATION





		<i>Lead Attorneys</i>
Plaintiff	Sanchez, Luis	Pro Se
Defendant	High Desert State Prison	Gebrael, Natasha M. <i>Retained</i> 702-851-1191(W)
	Nevada State of	Gebrael, Natasha M. <i>Retained</i> 702-851-1191(W)
	Offender Management Division	Gebrael, Natasha M. <i>Retained</i> 702-851-1191(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

05/23/2018	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Sanchez, Luis <i>Petition for Writ of Habeas Corpus Good and Work Time, Meritorious Award Calculations (NRS 34.724, subsection 2(c))</i>
08/20/2018	 Order for Petition for Writ of Habeas Corpus <i>Order for Petition for Writ of Habeas Corpus</i>
10/01/2018	 Response Filed by: Defendant High Desert State Prison; Defendant Nevada State of; Defendant Offender Management Division <i>Response to Petition for Writ of Habeas Corpus</i>
11/26/2018	 Decision and Order <i>Decision and Order</i>

CASE SUMMARY

CASE NO. A-18-775677-W

11/28/2018



Notice of Entry of Order

Filed By: Defendant High Desert State Prison

Notice of Entry of Order

12/05/2018



Case Appeal Statement

Filed By: Defendant High Desert State Prison; Defendant Nevada State of; Defendant Offender Management Division

Case Appeal Statement

12/05/2018



Notice of Appeal (criminal)

Party: Defendant High Desert State Prison; Defendant Nevada State of; Defendant Offender Management Division

Notice of Appeal

HEARINGS

10/09/2018



Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer: Bell, Linda Marie)

Granted in Part;

Journal Entry Details:

No parties present. Plaintiff is challenging the computation of time by the Nevada Department of Corrections (NDOC). He was convicted of a category B felony with an offense date spanning May 2016 through January 2013. Plaintiff has received appropriate credits off of his maximum sentence. Since Plaintiff was charged with a time span that includes pre July 2007 he is entitled to credit off of the minimum sentence for the category B felony. Additionally, the record reflects Plaintiff was appropriately awarded and received 202 days of jail credit. Finally, Plaintiff has no constitutional liberty interest in credit for work not performed and is not entitled to work not performed. COURT ORDERED, petition GRANTED IN PART and DENIED IN PART, order SIGNED IN OPEN COURT.;

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

A-18-75677-W

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): Luis Sanchez #1108190 HDSP PO Box 650 Indian Springs, NV 89070	Defendant(s) (name/address/phone): VII High Desert State Prison Offender Management Division State of Nevada
Attorney (name/address/phone):	Attorney (name/address/phone):

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

6/7/18

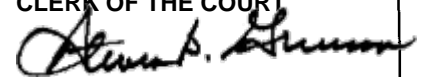
Date

PREPARED BY CLERK

Signature of initiating party or representative

See other side for family-related case filings.





1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5 LUIS SANCHEZ,

6 Petitioner,

7 vs.

8 HIGH DESERT STATE PRISON,

9 Respondents.

Case No. A-18-775677-W

Dept. No. VII

10 **DECISION AND ORDER**

11 Petitioner Luis Sanchez filed a Petition for Writ of Habeas Corpus challenging the
12 computation of time by the Nevada Department of Corrections. The matter came before the Court
13 on October 09, 2018. The Court did not entertain oral arguments and no parties were present. The
14 Court now rules based solely on the pleadings pursuant to NRS 34.770(2). The Court grants Mr.
15 Sanchez's Petition for Writ of Habeas Corpus in part and denies it in part.

16 **I. Factual and Procedural Background**

17 Luis Sanchez is serving a sentence for Attempt Sexual Assault, a category B felony. Mr.
18 Sanchez was sentenced to a maximum of fifteen years with a minimum parole eligibility five years
19 with 202 days credit for time served.

20 Mr. Sanchez filed his Petition for Writ of Habeas Corpus on March 27, 2018. Mr. Sanchez
21 alleges the Nevada Department of Corrections failed to properly apply good time credit to Mr.
22 Sanchez's sentence. The Attorney General's Office filed a response on September 12, 2018. The
23 Attorney General's Office argues Mr. Sanchez is not entitled to additional good time credits.

24 **II. Discussion**

25 The Nevada Supreme Court in Williams v. State, 402 P.3d 1260 (Nev. 2017) held that
26 petitioners with offense dates between 1997 and June 30, 2007 are entitled to good time credits
27 under NRS 209.4465(7)(b) if: (1) the petitioner was sentenced under a statute that did not specify a
28 parole eligibility date; and (2) the petitioner has not already been before the parole board on that

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LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII
CLERK OF THE COURT

6

1 sentence. As Mr. Sanchez's offenses took place before June 30, 2007, Mr. Sanchez may be entitled
2 to additional credits pursuant to Williams.

3 **The Court Grants Mr. Sanchez's Petition for Good Time Credits Pursuant to the Williams**
4 **Decision.**

5 Nevada Revised Statute 209.4465 governs the award of credits for crimes committed on or
6 after July 17, 1997. The Court applies the version of the statute in effect when Mr. Sanchez
7 committed the offenses in its analysis because Mr. Sanchez's offense took place before and after the
8 2007 amendment, specifically from May 8, 2006 to January 31, 2013. For offenses committed
9 before July 1, 2007, the Court finds that an inmate that meets certain qualifications "must be
10 allowed. . . a deduction of 10 days from his sentence for each month he serves." NRS 209.4465(1)
11 (2003) (amended 2007). These credits "must be deducted from the maximum term imposed by the
12 sentence," and "[a]pply to eligibility for parole unless the offender was sentenced pursuant to a
13 statute which specifies a minimum sentence that must be served before a person becomes eligible for
14 parole." NRS 209.4465(7) (2003) (amended 2007). For offenses committed after the July 1, 2007
15 effective date, the petitioner is entitled to "a deduction of 20 days from his sentence for each month
16 he serves." NRS 209.4465(1) (2007). Williams now governs the credits a petitioner may earn under
17 NRS 209.4465, and their application for offenses committed before July 1, 2007.

18 Prior to the Williams decision, any statute designating a minimum term of imprisonment
19 inherently sets the minimum sentence an offender must serve before parole eligibility. NRS
20 209.4465(7)(b). Accordingly, the statute under which Mr. Sanchez was convicted specifies a
21 minimum sentence that must be served before Mr. Sanchez is eligible for parole. Pursuant to
22 Williams, the Nevada Supreme Court found that a petitioner is entitled to apply credits they would
23 have earned under NRS 209.4465 to the current sentence's minimum if: (1) the petitioner was
24 sentenced under a statute that was silent as to a parole eligibility date; and (2) the petitioner had not
25 already appeared before the parole board. Williams at p.13. The Nevada Supreme Court found that
26 NRS 209.4465(7), section (a) provides the general rule for credits earned towards eligibility for
27 parole, and section (b) sets forth the limitations. Under the rules of construction, the Nevada
28 Supreme Court found that section (b) limitations do not apply to a sentencing statute that is silent on

1 parole eligibility. As such, credits earned should be deducted from a petitioner's minimum sentence.
2 Thus, an inmate is eligible for parole sooner than he or she would have been without the credits.
3 Williams at ps. 4-5. Accordingly, the Court finds Mr. Sanchez is entitled to good time credit
4 deductions from his parole eligibility date under NRS 209.4465.

5 In light of the Williams decision, the Court finds Mr. Sanchez is entitled to good time credit
6 deductions from his parole eligibility date under NRS 209.4465(7)(b). Mr. Sanchez's offense dates
7 span a time period between 2006 and 2013. The information in the criminal case does not
8 distinguish any specific dates within this range. The Court has no way to determine which offenses
9 or part of offenses occurred prior to July 1, 2007. Separating the range would violate the Ex Post
10 Facto Clause of the United States Constitution pursuant to Weaver v. Graham, 450 U.S. 24, 33-34
11 (1981). The Nevada Supreme Court has "repeatedly held that where there is ambiguity in the
12 language of a penal statute, that doubt must be resolved in favor of the individual." Demosthenes v.
13 Williams, 97 Nev. 611, 637 P.2d 1203 (1981). As such, the Court must interpret the statute in favor
14 of the Petitioner. Therefore, the Court finds Mr. Sanchez is entitled to good time credit deductions
15 from his parole eligibility date under NRS 209.4465.

16 **Mr. Sanchez already received good time credit against his maximum sentence.**

17 Next, Mr. Sanchez alleges that he has earned good-time credit against his maximum
18 sentence. Mr. Sanchez's sentence is governed by NRS 209.4465. An inmate that meets certain
19 qualifications "must be allowed. . . a deduction of 20 days from his or her sentence for each month
20 the offender serves." NRS 209.4465(1).

21 So long as a qualifying inmate does not violate any laws or prison regulations, he is entitled
22 to 20 good-time credits per month under NRS 209.4465. Mr. Sanchez's credit history shows that the
23 NDOC has awarded him his good-time credits per month for every month he has been incarcerated,
24 including for the jail credits awarded in the judgment of conviction. Thus, the Court finds that Mr.
25 Sanchez is not entitled to additional days good time credit because he has been properly given all of
26 his time.

1 **Mr. Sanchez was awarded pre-sentence credit**

2 Mr. Sanchez alleges he is entitled to 202 days pre-sentence credit. However, a review of Mr.
3 Sanchez's record shows that Mr. Sanchez was awarded this credit. Thus, Mr. Sanchez is not entitled
4 to any additional credit. Any challenge to the amount of pre-sentence credit awarded must be
5 addressed with the sentencing court.

6 **The Court Denies Mr. Sanchez's Petition Regarding Work Credits**

7 Mr. Sanchez also claims that he is entitled to work credits because he is willing to work or
8 attend educational programs. The issuance of work credits is governed by NRS 209.4465(2) which
9 states:

10 2. In addition to the credits allows pursuant to subsection 1, the Director may
11 allow not more than days of credit each month for an offender whose
12 diligence in labor and study merits such credits.

13 The court notes that "Both NRS 209.433(3) and NDOP Administrative Regulation 714 (III)
14 make the granting of Work Time Credit discretionary [,] which merely creates a possibility of early
15 release." Cooper v. Sumner, 672 F. Supp. 1361, 1367 (D. Nev. 1987). Because Mr. Sanchez only
16 claims that he has been denied the right to earn work credit, this argument fails. Mr. Sanchez has no
17 constitutionally protected liberty interest in earning work credit, and he is not entitled to any more
18 credit than he does not work to earn. Since Mr. Sanchez has not submitted proof that he has earned
19 any work credits, Mr. Sanchez is not entitled to any additional work credits.

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III. Conclusion

Mr. Sanchez is entitled to additional credits for his sentence from his category B felony, as his category B felony does not specify parole eligibility pursuant to Williams and was committed before 2006. Mr. Sanchez has already received credit against his maximum sentence and has received his pre-sentence credit. Mr. Sanchez is not entitled to work credits for work not performed. Therefore, the Court grants Mr. Sanchez's petition for additional credits off the minimum, but denies the rest of his petition.

DATED this day of October 19, 2018.


LINDA MARIE BELL
DISTRICT COURT JUDGE

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LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

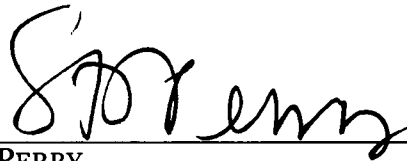
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DEPARTMENT VII

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Luis Sanchez c/o High Desert State Prison	Petitioner
Natasha M. Gebrael, Esq. Deputy Attorney General	Counsel for Respondent



SYLVIA PERRY
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT VII

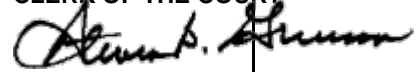
AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A775677 **DOES NOT** contain the social security number of any person.

/s/ Linda Marie Bell
District Court Judge

09/16/2018
Date



NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LUIS SANCHEZ,

Petitioner,

Case No: A-18-775677-W

Dept. No: VII

vs.

HIGH DESERT STATE PRISON, ET. AL,

Respondent,

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on November 26, 2018, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on November 28, 2018.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amber Lasby

Amber Lasby, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 28 day of November 2018, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Luis Sanchez # 1108190
P.O. Box 650
Indian Springs, NV 89070

/s/ Amber Lasby

Amber Lasby, Deputy Clerk



1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5 LUIS SANCHEZ,

6 Petitioner,

7 vs.

8 HIGH DESERT STATE PRISON,

9 Respondents.

Case No. A-18-775677-W

Dept. No. VII

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3 Williams at ps. 4-5. Accordingly, the Court finds Mr. Sanchez is entitled to good time credit
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16 **Mr. Sanchez already received good time credit against his maximum sentence.**

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18 sentence. Mr. Sanchez's sentence is governed by NRS 209.4465. An inmate that meets certain
19 qualifications "must be allowed. . . a deduction of 20 days from his or her sentence for each month
20 the offender serves." NRS 209.4465(1).

21 So long as a qualifying inmate does not violate any laws or prison regulations, he is entitled
22 to 20 good-time credits per month under NRS 209.4465. Mr. Sanchez's credit history shows that the
23 NDOC has awarded him his good-time credits per month for every month he has been incarcerated,
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25 Sanchez is not entitled to additional days good time credit because he has been properly given all of
26 his time.

1 **Mr. Sanchez was awarded pre-sentence credit**

2 Mr. Sanchez alleges he is entitled to 202 days pre-sentence credit. However, a review of Mr.
3 Sanchez's record shows that Mr. Sanchez was awarded this credit. Thus, Mr. Sanchez is not entitled
4 to any additional credit. Any challenge to the amount of pre-sentence credit awarded must be
5 addressed with the sentencing court.

6 **The Court Denies Mr. Sanchez's Petition Regarding Work Credits**

7 Mr. Sanchez also claims that he is entitled to work credits because he is willing to work or
8 attend educational programs. The issuance of work credits is governed by NRS 209.4465(2) which
9 states:

10 2. In addition to the credits allows pursuant to subsection 1, the Director may
11 allow not more than days of credit each month for an offender whose
12 diligence in labor and study merits such credits.

13 The court notes that "Both NRS 209.433(3) and NDOP Administrative Regulation 714 (III)
14 make the granting of Work Time Credit discretionary [,] which merely creates a possibility of early
15 release." Cooper v. Sumner, 672 F. Supp. 1361, 1367 (D. Nev. 1987). Because Mr. Sanchez only
16 claims that he has been denied the right to earn work credit, this argument fails. Mr. Sanchez has no
17 constitutionally protected liberty interest in earning work credit, and he is not entitled to any more
18 credit than he does not work to earn. Since Mr. Sanchez has not submitted proof that he has earned
19 any work credits, Mr. Sanchez is not entitled to any additional work credits.

III. Conclusion

Mr. Sanchez is entitled to additional credits for his sentence from his category B felony, as his category B felony does not specify parole eligibility pursuant to Williams and was committed before 2006. Mr. Sanchez has already received credit against his maximum sentence and has received his pre-sentence credit. Mr. Sanchez is not entitled to work credits for work not performed. Therefore, the Court grants Mr. Sanchez's petition for additional credits off the minimum, but denies the rest of his petition.

DATED this day of October 19, 2018.


LINDA MARIE BELL
DISTRICT COURT JUDGE

BN

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

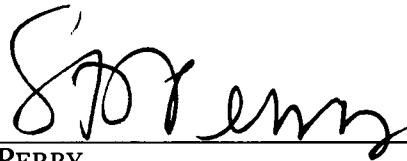
LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Luis Sanchez c/o High Desert State Prison	Petitioner
Natasha M. Gebrael, Esq. Deputy Attorney General	Counsel for Respondent



SYLVIA PERRY
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT VII

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A775677 **DOES NOT** contain the social security number of any person.

/s/ Linda Marie Bell
District Court Judge

09/16/2018
Date

Writ of Habeas Corpus

COURT MINUTES

October 09, 2018

A-18-775677-W Luis Sanchez, Plaintiff(s)
vs.
High Desert State Prison, Defendant(s)

October 09, 2018 09:00 AM Petition for Writ of Habeas Corpus

HEARD BY: Bell, Linda Marie COURTROOM: RJC Courtroom 17A

COURT CLERK: Estala, Kimberly

RECORDER: Vincent, Renee

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

No parties present.

Plaintiff is challenging the computation of time by the Nevada Department of Corrections (NDOC). He was convicted of a category B felony with an offense date spanning May 2016 through January 2013. Plaintiff has received appropriate credits off of his maximum sentence. Since Plaintiff was charged with a time span that includes pre July 2007 he is entitled to credit off of the minimum sentence for the category B felony. Additionally, the record reflects Plaintiff was appropriately awarded and received 202 days of jail credit. Finally, Plaintiff has no constitutional liberty interest in credit for work not performed and is not entitled to work not performed. COURT ORDERED, petition GRANTED IN PART and DENIED IN PART, order SIGNED IN OPEN COURT.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER; NOTICE OF ENTRY OF
ORDER; DISTRICT COURT MINUTES

LUIS SANCHEZ,

Plaintiff(s),

vs.

HIGH DESERT STATE PRISON; OFFENDER
MANAGEMENT DIVISION; STATE OF
NEVADA,

Defendant(s),

Case No: A-18-775677-W

Dept No: VII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 6 day of December 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk